

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE POLANCO. DIAZ,

Plaintiff,

v.

GENA JONES, et al.,

Defendants.

No. 2:24-cv-3339 DC CSK P

FINDINGS & RECOMMENDATIONS

By order filed April 22, 2025, plaintiff's complaint was dismissed, and thirty days leave to file an amended complaint was granted. (ECF No. 7.) Plaintiff failed to file an amended complaint, and on June 12, 2025, the Court recommended that the action be dismissed. (ECF No. 10.) On July 7, 2025, plaintiff filed a motion for extension of time to amend. (ECF No. 11.) On July 11, 2025, the prior findings and recommendations were vacated, and plaintiff was granted sixty days to file an amended complaint. (ECF No. 12.) Sixty days from that date have now passed, and plaintiff has not filed an amended complaint, or otherwise responded to the Court's order.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b). Plaintiff's complaint was dismissed five months ago. Though plaintiff was previously granted an extension to file an amended complaint after failing to meet the initial deadline to amend, plaintiff has still not filed an amended

1 complaint.

2 These findings and recommendations are submitted to the United States District Judge
3 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
4 after being served with these findings and recommendations, plaintiff may file written objections
5 with the court and serve a copy on all parties. Such a document should be captioned
6 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
7 failure to file objections within the specified time may waive the right to appeal the District
8 Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

9 Dated: September 22, 2025

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11 CHI SOO KIM
12 UNITED STATES MAGISTRATE JUDGE

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